

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Danny Eugene Saunders,)	C/A No. 5:16-cv-00229-CMC-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
Captain Joyce Brunson,)	
)	
Defendant.)	

This case is before the court because of pro se Plaintiff's failure to comply with the magistrate judge's Order of February 29, 2016. ECF No. 8.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed has been returned to the court marked "undeliverable." ECF No. 11. Plaintiff has not provided this court with updated address information, and his failure to do so, plus his lack of response to the court's initial Order, indicates intent to not continue prosecuting this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Choice Hotels Int'l, Inc. v. Goodwin & Boone*, 11 F.3d 469, 471-72 (4th Cir. 1993) (dismissal with prejudice appropriate

where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 28, 2016

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).